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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,846	07/26/2001	H. Winnfred Smith	1693 (4000-05000)	7187
28003	7590	06/23/2005	EXAMINER	
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			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/915,846

Applicant(s)

SMITH, H. WINNFRED

Examiner

Thong H. Vu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 15, 17-26, 28, 30 and 32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15, 17-26, 28, 30 and 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Claims 1-13,15,17-26,28,30,32 have been amended. Claims 14,16,27,29,31,33 are canceled.

Response to Arguments

2. Applicant's arguments, see Request for Reconsideration, filed 5/26/05, have been fully considered and are persuasive. Applicant's arguments with respect to claims 1,20,21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 20-26,28,30,32 are rejected under 35 U.S.C. § 102(e) as being anticipated by Berlovitch et al [Belovitch, 6,061,334].

3. As per claim 20, Berlovitch discloses A method for managing change to protect the integrity of an enterprise's computer operating environment when said change is necessitated by an emergency situation, comprising steps of:

(a) evaluating the severity of said emergency situation by a change requester

[Berlovitch, analyzing each network address detected in the network, col 36 lines 13-30,

Fig 36; ddisplay warning messages and message severity, col 32 lines 18-22];

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(b) notifying a change manager by said change requester that said emergency situation exists [Berlovitch, inform the failure to the network manager, col 20 line 62-col 21 line 15];

(c) determining by said change manager that said emergency situation requires immediate recommediation [Berlovitch, display warning message and message severity, col 32 lines 15-22];

(d) granting immediate approval to change requester by said change manager to implement said change wherein said change consists of modifications to hardware, software, or both in an electronic computing system of the enterprise [Berlovitch, review the current configuration, col 29 lines 39-45; VNS informs of all changes and suggests an optimal changes, col 26 lines 1-8; change manager, col 5 lines 62; a logical change and a physical change, col 36 lines 37-46; suggests an optimal VLAN reconfiguration and approval, col 29 lines 22-28];

(e) implementing said change by said change requester or a designee thereof [Berlovitch, implementing the change, col 9 lines 30-65]; and

(f) creating and completing, by said change requester after implementation of said change, an emergency change request document to describe and record said change [Berlovitch, Recording network activity, create an optimal configuration, col 30 lines 18-63].

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4. As per claim 21, Berlovitch discloses A method for managing change to protect the integrity of an enterprise's computer operating environment, when said change is necessitated by an emergency situations comprising the steps of:

(a) evaluating the severity of said emergency situation by a change requester

[Berlovitch, analyzing each network address detected in the network, col 36 lines 13-30, Fig 36];

(b) notifying a change manager by said change requester that said emergency situation exists [Berlovitch, inform the failure to the network manager, col 20 line 62-col 21 line 15];

(c) determining by said change manager that remediation of said emergency situation can be deferred [Berlovitch, rejecting the suggestion, col 29 lines 30-36];

(d) notifying said change requester by said change manager that an emergency change request document must be submitted prior to approval [Berlovitch, notifying servers and clients, col 21 lines 44-46];

(e) submitting an emergency change request document by said change requester to said change manager [Berlovitch, submit a configuration to be checked, col 29 line 1];

(f) approving of a change described in said emergency change request document by said change manager or a designee thereof wherein said change consists of modifications to hardware, software, or both in an electronic computing system of the enterprise [Berlovitch, review the current configuration, col 29 lines 39-45; VNS informs of all changes and suggests an optimal changes, col 26 lines 1-8; change manager, col

5 lines 62; a logical change and a physical change, col 36 lines 37-46; suggests an optimal VLAN reconfiguration and approval, col 29 lines 22-28];

(g) scheduling of said change by said change manager with collaboration from at least one potentially interested operating unit [Berlovitch, time of change detection, col 10 lines 12-18];

(h) noticing each potentially interested operating unit of the schedule for and details of implementation of said change [Berlovitch, notice the IPX Net change, col 19 lines 60-65]; and

(i) implementing said change by said change requester or a designee thereof [Berlovitch, implementing the change, col 9 lines 30-65].

5. As per claim 22, Berlovitch discloses updating said emergency change request document with the status of said change [Berlovitch, update, col 19 lines 15-20]

6. As per claim 23, Berlovitch discloses said change manager notifying each potentially interested operating unit that said change has been implementing [Berlovitch, notifying servers and clients, col 21 lines 43-47; time of change detection, col 10 lines 12-18].

7. As per claim 24, Berlovitch discloses at least one potentially interested operating unit is an asset management organization responsible for maintaining an inventory of the enterprises's assets [Berlovitch, maintaining VLANs, col 29 lines 12-36].

8. As per claim 25, Berlovitch discloses analysis of the effectiveness of the change management method after implementing of said change [Berlovitch, a diagnostic and analyzing, col 36 lines 1-30].

9. As per claim 26, Berlovitch discloses generating a written report describing the effectiveness of said change management method with regard to said change [Berlovitch, report, history, col 29 lines 39-65]

10. As per claim 28, Berlovitch discloses an electronic computing system [Berlovitch, Fig1].

11. As per claims 30,32 Berlovitch discloses said change request or a designee thereof reverses any actions taken in an unsuccessful implementation of said change [Berlovitch, rejecting the suggestion, col 29 lines 30-36].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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12. Claims 1-13,15,17-19 are rejected under 35 U.S.C. § 103 as obvious over Berlovitch et al [6,061,334] in view of Johnson et al [Johnson 6,067,525].

13. As per claim 1, Berlovitch discloses a method for managing change to protect the integrity of an enterprise's operating environment [Berlovitch, an enterprise, col 10 line 25] comprising the steps of:

(a) submitting a change request document by a change requester to a change manager for validation [Berlovitch, send information of any network change, col 29 lines 22-28; confirmed change, col 11 lines 35-60 et seq.; verify, col 12 lines 7-15];

(b) broadcasting notice of a proposed change request described in a valid change request document to at least one potentially interested operating unit within the enterprise wherein said change consists of modifications to hardware, software or both in an electronic computing system of the enterprise [Berlovitch, proposed configuration, col 28 lines 27-41; col 32 lines 4-11; col 33 lines 45-53; logical change and physical change, col 26 lines 1-8; col 36 lines 31-47];

(c) reviewing said proposed change by a **review team** comprising said change manager [Berlovitch, review the current configuration, col 29 lines 39-45; change manager, col 5 lines 62]; and choosing to participate (in said review team), (said review team) recommending a course of action regarding said proposed change [Berlovitch, select client, col 30 lines 10-16];

(d) notifying said change requester of said review team's recommended course of action regarding said proposed change [Berlovitch, notifying servers and clients, col 21 lines 43-47].

Berlovitch also discloses a change manager [Berlovitch, Fig 1]. However Berlovitch does not detail the change manager including a representative of each potentially interested operating unit receiving notification of said proposed change;

It was well known in the art that the review process could be made by a network manager (i.e: single individual) or a team [Johnson, reviewing by the sales management team, col 19 line 60-20 line 7; col 17 line 59-col 18 line 36];

Therefore it would have been obvious to an ordinary skill in the art at time the invention was made to incorporate the review team as taught by Johnson into the Berlovitch's apparatus in order to implement the review process. Doing so would help monitor the network sales or changing process and ensure that objectives are met.

14. As per claim 2, Berlovitch-Johnson disclose the step of said change requester revising and resubmitting a change request document rejected by the review team [Berlovitch, recommended configuration, col 28 line 65; suggested configuration, col 31 line 60].

15. As per claim 3, Berlovitch-Johnson disclose the step of said change requester canceling a change request document rejected by the review team [Berlovitch, press cancel, col 29 line 33].

16. As per claim 4, Berlovitch-Johnson disclose the step of said change manager, with input from said review team [Johnson, reviewing by the sales management team,

col 19 line 60-20 line 7], scheduling implementation of a change described in a change request document approved by the review team [Berlovitch, time of change detection, col 10 lines 12-18].

17. As per claim 5, Berlovitch-Johnson disclose said change manager notifying each potentially interested operating unit of the schedule for and details of implementation of said change [Berlovitch, notifying servers and clients, col 21 lines 43-47; time of change detection, col 10 lines 12-18].

18. As per claim 6, Berlovitch-Johnson disclose the step of said change requester (or a designee of the change requester or change manager) implementing said change [Berlovitch, the agent software is implemented, col 9 lines 54-67].

19. As per claim 7, Berlovitch-Johnson disclose the step of updating document with the status of said change [Berlovitch, updated the physical and logical change in the network, col 25 lines 40-52].

20. As per claim 8, Berlovitch-Johnson disclose the step of said change manager notifying each potentially interested operating unit that said change has been implemented [Berlovitch, notifying servers and clients, col 21 lines 43-47].

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21. As per claim 9, Berlovitch-Johnson disclose at least one potentially interested operating unit is an asset management organization responsible for maintaining an inventory of the enterprise's assets [Berlovitch, notifying servers and clients, col 21 lines 43-47; time of change detection, col 10 lines 12-18].

22. As per claim 10, Berlovitch-Johnson disclose performing an analysis of the effectiveness of the change management method after implementation of said change [Berlovitch, analyzing, col 36 lines 13-30].

23. As per claim 11, Berlovitch-Johnson disclose generating a written report describing the effectiveness of said change management method with regard to said change [Berlovitch, report, history, col 29 lines 39-65].

24. As per claim 12, Berlovitch-Johnson disclose assigning each change requester a security clearance level corresponding to an approved set of operations that the change requester may perform with respect to a change request document [Berlovitch, security, col 24 lines 58-63].

25. As per claim 13, Berlovitch-Johnson disclose viewing, editing, and submitting a change request document [Berlovitch, view and edit, col 28 lines 27-67; col 29 line 60-col 30 lines 16].

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26. As per claim 15, Berlovitch-Johnson disclose implementing said change management method on an electronic computing system [Belovitch, change management, col 9 lines 38-65; col 12 lines 59-67; col 22 lines 33-41].

27. As per claim 17, Berlovitch-Johnson disclose the implementation of said change is unsuccessful [Berlovitch, error message, col 11 lines 50-60].

28. As per claim 18, Berlovitch-Johnson disclose (a) reversing all steps taken in the attempted implementation of said change [Johnson, reviewing by the sales management team, col 19 line 60-20 line 7];

(b) notifying a potentially interested operating units of the unsuccessful implementation of said change [Berlovitch, notifying servers and clients, col 21 lines 43-47];

(c) updating said change request document with the status of said change [Berlovitch, updated the physical and logical change in the network, col 25 lines 40-52].

29. As per claim 19, Berlovitch-Johnson disclose (a) leaving in place any partial, successful steps taken in the implementation of said change [Berlovitch, implemented, col 9 lines 55 et seq.];

(b) scheduling or rescheduling any remaining steps to be taken in the implementation of said change [Berlovitch, time of change detection, col 10 lines 12-18];

(c) notifying all potentially interested operating units of the status of said change [Berlovitch, notifying servers and clients, col 21 lines 43-47]; and

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(d) updating said change request document with the status of said change [Berlovitch, updated the physical and logical change in the network, col 25 lines 40-52].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Rupal Dharia*, can be reached at (571) 272-3880. The fax number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thong Vu
Patent Examiner
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A handwritten signature in black ink, appearing to read 'Thong Vu', with a stylized, cursive script.